



Jim Martin, Commissioner
Maria Greene, Division Director

Georgia Department of Human Resources

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MEMORANDUM

TO: Executive Directors, Regional Development Centers
Executive Director, Legacy Link, Inc. Area Agency on Aging
Executive Director, SOWEGA Council on Aging, Inc.
Directors, Area Agencies on Aging

FROM: Maria Greene, Director *MG*
Division of Aging Services

DATE: April 24, 2003

SUBJECT: Comments Received on Chapter 92 (Draft), "Designation of Planning and Service Areas and Area Agencies on Aging," and Chapter 94 (Draft), "Compliance with Contractor Responsibilities, Rewards and Sanctions"

On March 10, 2003, we disseminated by email the above referenced draft chapters for review and comment. We followed up by sending hard copies to the Executive Director of each Regional Development Center housing an Area Agency and to all the Area Agency Directors individually. We asked that you provide the information to the provider organizations in your areas to solicit their feedback as well.

We requested feedback by April 24, 2003. To those who took the time to review and comment, we thank you. We received very few comments and in only one instance did we receive suggestions for improving the policies and procedures. Enclosed are the comments we received and our responses.

The chapters will be issued as final policy under separate cover by transmittal letter 03-01.

Comments Regarding Manual Chapter 92, “Designation of Planning and Service Areas and Area Agencies on Aging” and Manual Chapter 94, “Compliance with Contractor Responsibilities, Rewards and Sanctions”

Comment: “I have read and examined the draft concerning the Compliance with Contract Responsibilities, Rewards and Sanctions sent to me earlier in the month. At this point, I see no reason that these policies and procedures should not be approved and implemented as long as all parties involved are in compliance with DHR’s regulations. Changes in aging must take place, and along with those changes many time comes added responsibilities. This is inevitable as long as State and Federal monies are a part of our program.”

DAS Response: We appreciate the support for the proposed policies and procedures. It is our belief that a clear statement of expectations and a system for both recognizing achievements and providing for opportunities for improvement will be beneficial at all levels of the network..

Comment: “I feel that this policy would put even more pressure on the Senior Centers to conform. I don’t think comparing each center on a reward and sanction basis would work since we all operate under different circumstances. We are monitored already and for the most part meet state and federal regulations. From what I observe, we all strive equally to serve our seniors to the best of our ability and to say that one Center is better than the other would not be appropriate.”

DAS Response: It is not the Division’s intention through these policies and procedures to create or encourage an environment of competition among providers in the aging network in general, or senior centers specifically. The policies and procedures are designed to provide Area Agencies (and the Division) the basis for acknowledging providers who take the initiative to go beyond minimum expectations. Likewise, we want to provide a framework for continuous improvement in the programs and services we administer and take a proactive approach to problem identification, technical assistance, and again, continuous improvement of our business and program results.

Comment: “An important component of senior centers is each one has their own personality. I do not feel that we can conform to everyone being the same. Our center is a rural setting. All of us strive to serve our seniors to the best of our ability. Serving others’ needs and acting on them.”

DAS Response: See our responses to the preceding comment. We acknowledge and appreciate the individual characteristics of the senior centers and believe that the staff of the centers do try to serve their seniors to the best of their abilities. We want to work with all providers to make service and program improvements based on the interests and needs of their constituents and to provide technical assistance when and where needed. These policies and procedures provide the framework for doing so.

Comment: “I have been reading the new policy from the state. I never fail to be amazed at what people can come up with. How can they even think of comparing Senior Centers? We are rural _____ County. I truly feel that input from rural senior directors is needed before implementing policy changes. The saying one size fits all does not work. Our meals on wheels programs depends mostly on volunteers – this can be up to 100 miles per day. We are being monitored already and meet and exceed the contract. This means that we are meeting State and Federal guidelines. I feel that the Senior Centers under your direction do their very best to service all seniors. To say that one Senior Center is better than another is not right. This would put a tremendous burden on our working relationships. We are NOT in competition – we are here to serve the elderly.”

DAS Comment: We believe the responses to the previous comments address these issues as well, but to clarify once more, these policies and procedures apply to all contractors/providers of all services, not just senior centers and the nutrition program.

Comment: “After reviewing the information you sent, I would make the following observation: In subsection 94.6 “Sanctions,” the draft states that the Division and the AAAs can apply sanctions. However, in subsection 94.8.1, a description of the types of violations that might warrant sanctions notes repeatedly that the “Department” would identify violations. If the intent of the sanctions/rewards sections are to enable the AAAs to impose similar sanctions/rewards for our subcontractors, this language might need to be clarified to remove the burden of ‘identifying’ violations for subcontractors from the Division of Aging Services. I would recommend that the word ‘Department’ be changed either to ‘Department/AAA’ or ‘Contracting Agency.’

In addition, in subsection 94.6.1, paragraph (d), the ‘repayment of disallowed costs’ is identified as a potential sanction. In the past, we have had to withhold payment from providers to ensure that we get the appropriate paperwork/documentation/logs in our possession to warrant some requested payments. AAAs that are actively monitoring their subcontractors should be able to proactively identify such payment/reimbursement request discrepancies. I would recommend that a new paragraph be added after (d) to read: ‘Withhold payment until proper documentation is obtained by the Division/AAA to support the payment request.’

Those were the primary things I noticed in my review.”

DAS Response: Thank you for the thoughtful review and response. We have changed the wording in §94.8.1, as recommended, to read “contracting agency.”

Regarding the second issue, since timely, accurate and complete reporting is fundamental to the issuance of reimbursements, as addressed in §94.4.,”Contractor Responsibilities,” we believe the contracting agency has a right and responsibility to withhold or delay payment until required documentation is provided. This is also addressed in §94.6.1(b) which provides that one of the Level One sanctions available to the contracting agency is the requirement that the subcontractor submit additional or more detailed documentation. However, in our view, it is conceivable that the recoupment of unallowable costs could be a separate issue to be addressed when fiscal monitoring does not immediately reveal non-compliance with state or federal cost principles. Therefore we will retain the language in this section as written and encourage agencies to establish an understanding with their subcontractors of what is required for reimbursements to be issued.

Comment: “(by email): I provided our subcontractors with a copy of the draft rewards/sanctions document for their review and comment. The only comment I received was that there were no specifics for the rewards section (dollars available, criteria by which an ‘outstanding’ designation might be measured, etc.) I explained that I thought this meant we might have some flexibility in our region as to how to approach the subject. I asked for volunteers to work on this topic with us (AAA) and I got 3 names. Are you envisioning the Division developing ‘categories of excellence’ or was I right to say we would tackle it regionally?”

DAS response: We will rely on the AAAs to develop regional approaches, which could lead to identification of some “best practices” or “categories of excellence” that might be appropriate to adopt statewide. The policies are designed to provide as much flexibility as possible to the AAAs in recognizing achievements and high level performance among service providers. The Division has somewhat less flexibility, especially since we have no discretionary funds with which to provide awards and rewards, so we tried to obtain input from the network regarding what might be meaningful, non-monetary forms of recognition. (And, congratulations on creating interest in your area by asking for volunteers!)